

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:04CR255-V

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|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| FLORENCIO SANMIGUEL, |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER is before the Court on Defendant's / Mr. Sanmiguel's *Second* Motion To Provide Non-Custodial Transportation Expenses, filed May 19, 2006.

Trial commenced on May 16, 2006. At the conclusion of the trial, the jury found Defendant not guilty of both offenses charged in the Superseding Bill of Indictment. Thus, with respect to this individual Defendant, the criminal action is closed.

Defendant now seeks an order from the Court directing the U.S. Marshal's Service to arrange and pay for Defendant's travel from the Western District of North Carolina to his residence in Laredo, Texas.

However, it is the Court's view that, notwithstanding Defendant's indigent status, the Court lacks statutory authority to require the Government, or any Government agency, to pay Defendant's expenses associated with his return trip home. 18 U.S.C. §4282. Further, even if the Court had such discretion, the undersigned would decline to exercise it under these circumstances.

IT IS, THEREFORE, ORDERED that Defendant's motion is hereby **DENIED**.



Richard L. Voorhees
Chief United States District Judge

